



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Legal Counsel**

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July 25, 2019

FIRST ROLLING DISCLOSURE

VIA: 70861-24181477@requests.muckrock.com

Ms. Beryl Lipton
MuckRock News
DEPT MR 70861
411 A Highland Ave
Somerville, MA 02144-2516

Re: FOIA No.: 820-2019-000294 (EEOC FOIA information)

Dear Ms. Lipton:

Your Freedom of Information Act (FOIA) request, received on March 25, 2019, is processed. Our search began on March 26, 2019. The initial due date was extended by 10-business days per our correspondence dated April 17, 2019. On July 16, 2019, a member of my Team, responded to your correspondence dated June 27, 2019, confirming we would provide you with an interim response, disclosing responsive records where applicable on a rolling basis. All agency records in creation as of March 25, 2019 are within the scope of EEOC's search for responsive records. The paragraph(s) checked below apply.

[X] Portions of your request are as follows:

[X] Granted and

[X] Procedurally denied as [X] no records fitting the description of the records you seek disclosed exist or could be located after a thorough search. See the Comments page for further explanation.

[X] The disclosed records are attached (1 page). No fee is charged because the cost of collecting and processing the chargeable fee equals or exceeds the amount of the fee. 29 C.F.R. § 1610.15(d).

[X] I trust that the furnished information fully satisfies this initial disclosure. If you need any further assistance or would like to discuss any aspect of your request please do not hesitate to contact the FOIA Professional who processed your request or our FOIA Public Liaison (see contact information in above letterhead or under signature line).

[X] You may contact the EEOC FOIA Public Liaison, Stephanie D. Garner, for further assistance or to discuss any aspect of your request. In addition, you may contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer.

The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free 1-877-684-6448; or facsimile at (202)741-5769.

Re: FOIA No.: 820-2019-000294 (Lipton, Beryl)

The contact information for the FOIA Public Liaison: (see contact information in the above letterhead or under signature line).

[X] If you are not satisfied with this interim response to this request, you may administratively appeal in writing. Your appeal must be postmarked or electronically transmitted in 90 days from receipt of this letter to the Office of Legal Counsel, FOIA Division, Equal Employment Opportunity Commission, 131 M Street, NE, 5NW02E, Washington, D.C. 20507, or by fax to (202) 653-6056, or by email to FOIA@eeoc.gov, or online at the following public access link (PAL): <https://publicportalfoiopal.eeoc.gov/palMain.aspx>. Your appeal will be governed by 29 C.F.R. § 1610.11.

[X] See the following Comments for further information.

Sincerely,

/s/Sdgarner

Stephanie D. Garner
Assistant Legal Counsel
FOIA Division
Phone: (202) 663-4634
FOIA@eeoc.gov

COMMENTS

This office's first response, and interim disclosures, on your request for "materials related to funding, staffing, and activities, of EEOC's FOIA Division" is identified below:

1. Your request for "budget materials for the fiscal years 2017, 2018, and 2019, all budget materials or plans applicable to offices responsible for processing and responding to FOIA requests and appeals submitted to the Commission and its offices" continues to be pending.

This office will need additional time to respond to the above information as we are awaiting collection of responsive records from Program Offices separate from this office. Upon receipt thereof, we will need to examine each set of responsive records, prior to release to you.

2. Your request for "staffing orders/reports/contacts for fiscal the years 2017 and 2018; staffing reports and plans, including the count of employee numbers and for offices responsible for processing and responses to FOIA requests and appeals submitted to the Commission and its offices" is granted in part and denied in part.

- a. The above referenced information is already publicly available online, via EEOC's 2019 Chief FOIA Officer Report and FY2017/2018 Annual FOIA Reports. See the following link: <https://www.eeoc.gov/eeoc/foia/resources.cfm>.

- b. FOIA Contacts for FY2017/2018 are no longer available.

Re: FOIA No.: 820-2019-000294 (Lipton, Beryl)

COMMENTS

3. Your request for "all staffing reports and plans for the fiscal year 2019" is granted.

The above referenced information is already publicly available, via EEOC's 2019 Chief FOIA Officer Report. See the following link: <https://www.eeoc.gov/eeoc/foia/resources.cfm>.

4. Your request for "contact information, including email addresses and phone numbers (if available), for each FOIA officer currently tasked with an open public records request" is granted.

EEOC's current FOIA contact information is already publicly available online. See the following link: <https://www.eeoc.gov/eeoc/foia/contact.cfm#district>.

5. Your request for "FOIA requester categories for the fiscal years 2017 and 2018 and the designated category of each requester of a FOIA request to this office" is granted.

Please find the responsive information, 1 page, attached indicating this Agency's FOIA requester categories, along with the number of requesters that utilized each category during the fiscal years requested.

6. Your request for "FOIA fee waivers for the fiscal years 2017 and 2018; the number of fee waivers granted by this office and, if available, the tracking numbers for the FOIA requests to which waivers were granted" is granted.

The above information is already publicly available, via EEOC's FY2017/2018 Annual FOIA Reports. See the following link: <https://www.eeoc.gov/eeoc/foia/resources.cfm>.

7. Your request for "any report capturing [the following] FOIA fee collection for the fiscal years 2017 and 2018" is granted in part and denied in part.

- a. "The estimated processing and copy fees quoted to FOIA requesters" is denied. The FOIA statute does not require an Agency to report estimated costs in its annual report to DOJ, therefore, billing information at this time is irregularly captured in FOIAxpress, EEOC's current electronic tracking system. This information, if released, would be unreliable.
 - b. "The total processing and copy fees collected by the Commission from each fee category" are already available online, via EEOC's FY2017/2018 Annual FOIA Reports. See the following link: <https://www.eeoc.gov/eeoc/foia/resources.cfm>.

As an end note, please be informed that the FOIA statute requires Agencies to provide specific information in their annual reports; such as portions of your request enumerated as 2a, 6, and, 7b above.

This request was prepared by Joanne Murray, Government Information Specialist, who may be reached at (202) 663-4715.